

REMARKS

Claims 1-3, 5-8, 10, 11, 18, 19, 21, 22, and 25-28 have been rejected under 35 U.S.C. § 103 as being obvious over the French '182 patent in view of either Borroni or Eichman. Claim 4 has been rejected as being obvious over the same prior art as applied to claim 1, and further in view of Kiefer. Claims 9, 12-17, 20, 23, 24, 29 and 30 have been deemed allowable if rewritten in independent form. Applicant respectfully traverses the rejections, and requests reconsideration.

As submitted in Applicant's previous amendment, there must be a clear and objective teaching in the prior art to combine the references for a proper § 103 rejection. In re Fitch, 972 F.2d 1260, 1265 (Fed. Cir. 1992); In re Dembiczak, 175 F.3d 994, 999 (Fed. Cir. 1999). The Examiner asserts three reasons in paragraph 2 for combining the French '182 patent with either Borroni or Eichman: (1) to positively direct the detergent into the wash tub; (2) to ensure a complete removal of materials from the cups; and (3) for ease of maintenance. However, there is no indication that the French '182 patent does not have these features, even without Borroni or Eichman. As explained in the English Abstract of the French '182 patent, the container 8 for the powdered detergent has a drainage hole through which the powder can be fed into the washing machine by water from a feed duct. Similarly, the Abstract also explains that the removable container or cup 6 for the liquid detergent feeds the liquid into the washing machine via a siphon pipe 19. Thus, both the powder detergent and liquid detergent is positively directed into the wash tub. There is no indication that the flushing of the powder detergent or liquid detergent is incomplete in the French '182 patent. Also, there is nothing from the English Abstract or the drawings of the French '182 patent to indicate that there are any maintenance problems with the

powder or liquid detergent containers. Therefore, the Examiner's alleged motivation for combining Borroni or Eichman with the French patent does not exist.

As explained by the Federal Circuit,

"The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification." (Emphasis added) Fitch, Id.

As the Board of Patent Appeals and Interferences has stated, "citing references which merely indicate that isolated elements and/or features recited in claims are known is not sufficient basis for concluding that the combination of the claimed elements would have been obvious." Ex parte Hiyamizu, 10 U.S.P.Q.2d 1393, 1394 (BPAI 1988). Here, there is no clear or particular objective teaching that the French '182 patent needs a base, as taught by Borroni or Eichman, to positively direct the detergent into the wash tub, to ensure a complete removal of detergent from the cups, or for ease of maintenance. Thus, the § 103 rejection is improper and should be withdrawn, and all of the claims allowed.

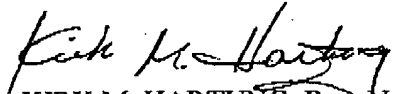
For purposes of 37 C.F.R. § 1.116, this response is being submitted after the final rejection to address the § 103 rejection, and particularly, the newly cited reasons submitted by the Examiner for combining the primary and secondary references. The second and third alleged reasons or motivation for combining the references was not previously suggested by the Examiner. Therefore, Applicant has not previously had an opportunity to address these issues. Applicant has made no amendments to the claims, therefore no further searching is required.

Accordingly, Applicant respectfully requests that the present response be entered and that a Notice of Allowance be issued.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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